

REMARKS

Claim Rejections - 35 USC §102

The examiner rejected claims 1-3, 6, 9, 14-16, 19 and 22 under 35 USC §102(e) as anticipated by Patapoutian (6,412,088). The applicant respectfully disagrees, and has amended the claims for clarity.

Regarding claim 2, the examiner asserts that Patapoutian discloses to average the binary bits of a detected data sequence. This interpretation of Patapoutian is incorrect. Patapoutian discloses to average the read signal sample values output by an A/D converter. An estimated data sequence is then detected from the averaged read signal sample values (col. 2, lines 41-64, FIGs. 3A-3B). That is, the averaged read signal sample values are input into a sequence detector.

In contrast, the claims (as amended) recite a sequence detector for detecting an estimated data sequence from the read signal sample values, wherein a first estimated data sequence output by the sequence detector during a first read of a data sector is averaged with a second estimated data sequence output by the sequence detector during a second read of the same data sector. The data sector is then recovered by processing the averaged estimated data sequences output by the sequence detector. The rejection should be withdrawn since Patapoutian does not disclose or suggest these limitations.

Claim Rejections - 35 USC §103

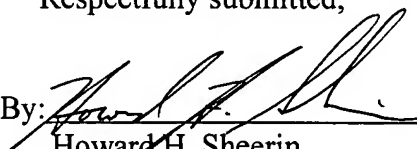
The examiner rejected claims 10 and 23 under 35 USC §103(a) as unpatentable over Patapoutian (6,412,088) in view of Galbraith (2003/0147168). The rejection should be withdrawn for the reasons set forth above.

The rejections of the remaining claims should be withdrawn for the reasons set forth above.

CONCLUSION

The above amendments to the specification and claims do not raise new issues or add new matter; the applicant respectfully requests the examiner to enter the amendments. In view of the foregoing remarks, the rejections should be withdrawn. In particular, Patapoutian does not disclose or suggest to average a first and second estimated data sequences output by a sequence detector. The examiner is encouraged to contact the undersigned over the telephone in order to resolve any remaining issues that may prevent the immediate allowance of the present application.

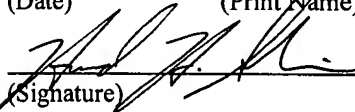
Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

12/27/04 Howard H. Sheerin
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